

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, March 8, 2016

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Monica Lewis, Kathy Mitchell, Tim Tewalt, Bob Von Haden, and Michael Xiong. Absent: Council Members Eric Larsen, David Strobel and Andrew Werthmann.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, March 8, 2016:

- Adopting the Consent Agenda.
- Approving Minutes of Regular Meeting of February 23, 2016.
- Granting new bartender licenses.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Boys & Girls Club of the Greater Chippewa Valley, Deb Fischer, president, on May 7, 2016, at HOM Furniture, 2921 Mall Drive, for the 9th Annual Wine & Cheese Tasting Fundraiser.
- Granting Change of Agent for the Class B Fermented Malt Beverage license of the New China Buffet of Eau Claire, LLC, d/b/a China Buffet, 957-961 W. Clairemont Avenue, from You Bin Chen to Liang Chen.
- Accepting a donation from Festival Foods for the July 4, 2016 fireworks display

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Tewalt “to adopt the consent resolution”. Said motion passed by unanimous vote.

AGREEMENTS

The City Council considered a resolution approving an Agreement with Gary Martin for the service of beer in the Carson Park Concession Plaza. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving a Memo of Understanding between the City, Eau Claire National Little League and Eau Claire Girls Fastpitch Softball for use of the Jeffers Park ballfields. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving a Second Amendment to a Site Agreement between the City and T-Mobile Central, LLC for a tower on Oak Knoll Drive. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

SCULPTURE TOUR ARTWORK

The City Council considered a resolution accepting the “Trojan Horse” artwork, voted the People’s Choice, from Sculpture Tour Eau Claire as a donation, to be displayed at Jeffers Park. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

BUDGET ADJUSTMENTS

The Council considered a resolution authorizing appropriation adjustments to the 2016 Budget for revenues and expenditures unanticipated during budget planning. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

STREET IMPROVEMENT PROJECTS

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- N. Hastings Way E. Frontage Road, Seymour Road to Peebles Street (16-203)
- Summit Avenue, Thorp Commons to State Street (16-111).
- Park Avenue, Summit Avenue to Garfield Avenue (16-107).
- Park Place, Park Avenue to 410 feet west (16-108).
- Mt. Nemo Avenue, Shale Ledge Road to 118 feet north (16-204).
- Wedgewood Avenue, Shale Ledge Road to 154 feet north (16-205).

Council Members agreed to divide the question and take a separate vote on the Summit Avenue, Thorp Commons to State Street (16-111) and Park Avenue, Summit Avenue to Garfield Avenue (16-107) projects.

Council Member Larsen arrived in the Council Chamber.

A motion was offered by Council Member Xiong and seconded by Council Member Lewis “to adopt the resolution approving the following projects:

- N. Hastings Way E. Frontage Road, Seymour Road to Peebles Street (16-203)
- Park Place, Park Avenue to 410 feet west (16-108).
- Mt. Nemo Avenue, Shale Ledge Road to 118 feet north (16-204).
- Wedgewood Avenue, Shale Ledge Road to 154 feet north (16-205).

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to defer the construction of sidewalk on the N. Hastings Way Frontage Road, as they are not in the public interest”. Said motion to defer passed by the following vote: Aye: Council Members Larsen, Lewis, Mitchell, Tewalt, Von Haden and Xiong. Nay: Council Members Emmanuelle, Kincaid and Klinkhammer. The Council then voted on the resolution approving the four projects as amended. Said resolution passed by unanimous vote.

A motion was offered by Council Member Mitchell and seconded by Council Member Xiong “to adopt the resolution approving the street improvement projects on Summit Avenue, Thorp Commons to State Street (16-111) and Park Avenue, Summit Avenue to Garfield Avenue (16-107)”. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Lewis “to amend the Park Avenue project and have the sidewalk on the west side of Park Avenue be reconstructed at five-feet wide, rather than at the proposed eight-feet wide”. Said motion to amend passed by unanimous vote. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to amend the resolution to include crosswalks on both the east side and west side of the intersection of Summit Avenue and Park Avenue”. Said motion to amend passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Larsen, Mitchell, Tewalt and Xiong. Nay: Council Members Klinkhammer, Lewis and Von Haden. The Council then voted on the resolution approving the two projects as amended. Said resolution passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s.66.0907 on the following streets:

- Summit Avenue, Thorp Commons to State Street (16-111).
- Park Avenue, Summit Avenue to Garfield Avenue (16-107).

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a Final Resolution approving the project and levying special assessments for sidewalk construction on the following streets:

- Damon Street, south side, London Road to Southtowne Drive.
- Southtowne Drive, west side, Damon Street to 285 feet south.
- Southtowne Drive, north side, London Road to 150 feet east.
- Southtowne Drive, south side, Southtowne Place to 140 feet west.
- Southtowne Place, west side, Southtowne Drive to Golf Road.
- Southtowne Place, east side, Golf Road to 235 feet north.

Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

PARKING

The Council considered an ordinance amending Chapter 10.24 of the City Code of Ordinances entitled “Special Parking Restrictions” relating to bus stops and bike lanes. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Von Haden “to adopt the ordinance”. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Von Haden “to amend the resolution by removing Paragraph G regarding parking adjacent to bus stops”. Said motion to amend failed by the following vote: Aye: Council Members Lewis, Tewalt and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, and Xiong. The Council then voted on the original motion to adopt the ordinance. Said ordinance was adopted by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Tewalt, Von Haden and Xiong. Nay: Council Member Lewis.

CODE UPDATES

The Council considered an ordinance amending Chapter 5.56 of the City Code of Ordinances entitled “Massage Therapy Facilities and the Practice of Massage Therapy”. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance amending Chapter 5.04 of the City Code of Ordinances entitled “Pawnbrokers”. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Klinkhammer “to adopt the ordinance”. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to amend said ordinance by adding the following language at the end of Section 5.04.100(D)(1) - Holding Period:

‘or unless the secondhand article dealer or secondhand jewelry dealer takes and maintains a digital photograph of the item in which case the holding period shall be 21 days’.”

Said motion to amend passed by the following vote: Aye: Council Members Klinkhammer, Lewis, Mitchell, Tewalt, Von Haden and Xiong. Nay: Council Members Emmanuelle, Kincaid and Larsen. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

ZONING

The City Council had first reading on two zoning ordinances

- Rezoning property on the north side of Westover Road, west of State Street from TR-1A to R-1 for single-family development as shown on Planning File Z-1575-16.
- Amending the General Development Plan for the Confluence Project with the rezoning of property to the north of the Community Arts facility from P-Public to CBDP as shown on Planning File Z-1510-12 Amd.

MOBILE FOOD TRUCKS

The City Council had first reading on an ordinance creating Section 13.12.066 entitled “Mobile Food Establishments” and amending Section 9.76.100 entitled “Parks—Commercial Enterprises” and Section 13.12.060 entitled “Sale of Goods” of the City Code of Ordinances.

ADJOURNMENT

A motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “that this meeting does now adjourn without objection.” Said motion passed by unanimous voice vote.

Adjournment: March 8, 2016

Time: 5:55 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk